

BAY VALLEY PROFESSIONAL CENTER, ) Case No.: 11-CV-03197-LHK  
LLC, )  
)  
Plaintiff, )  
v. ) ORDER REMANDING CASE  
)  
ADAM ASKARI, DOES I through V, inclusive, )  
)  
Defendant. )

The action removed by Defendant is an unlawful detainer action based solely on state law. Defendant states that “this removal is necessary to overcome the undue prejudice caused by the

1 Unlawful Detainer restrictions.” In the notice of removal, Defendant asserts that removal  
2 jurisdiction under 28 U.S.C. § 1446(b) is proper under 28 U.S.C. § 1443(1), 28 U.S.C. § 1331, and  
3 28 U.S.C. § 1367. However, Plaintiff’s Complaint fails to allege: (a) that he has been deprived of a  
4 right arising under federal law and “providing for specific civil rights stated in terms of racial  
5 equality,” and that he cannot enforce that right in state court under 28 U.S.C. § 1443(1) (*see Hewitt*  
6 *v. Stanton*, 798 F.2d 1230, 1233 (9th Cir. 1986) (internal citations omitted)); (b) any basis for  
7 original federal jurisdiction under 28 U.S.C. § 1331; or (c) any basis for the Court to exercise  
8 supplemental jurisdiction under 28 U.S.C. § 1367. Even if Defendant asserts a defense to the  
9 unlawful detainer action arising under federal law, this does not make the case removable.  
10 *Franchise Tax Bd. v. Construction Laborers Vacation Trust*, 463 U.S. 1, 10 (1983).

11 Because Plaintiff’s complaint for unlawful detainer raises no federal claims, there appears  
12 to be no basis for removal and no subject matter jurisdiction in this Court.

13 Accordingly, the Court REMANDS this case to the Santa Clara County Superior Court.

14 **IT IS SO ORDERED.**

15 Dated: August 8, 2011

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17 LUCY H. KOH  
18 United States District Judge  
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